1874, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Bombay Tramways (Amendment) Act, 1907.

Amendment of section 6. 2. To section 6 of the Bombay Tramways Act, 1874, hereinafter called "the said Act," the words "without the consent of the said corporation" shall be added. Bom. I of 1874.

Amendment of section 9. 3. In section 9 of the said Act—

(*a*) the word "maximum" is hereby repealed;

(*b*) for the words "be eight miles per hour" the following words shall be substituted, namely:—

"not exceed such maximum as the Municipal Commissioner, with the previous sanction of Government, shall from time to time prescribe."

BOMBAY ACT No. II OF 1907.[1]

[*27th August, 1907.*]

An Act further to amend the [2]Dekkhan Agriculturists' Relief Act, 1879.

Preamble. WHEREAS it is expedient further to amend the [2] Dekkhan Agriculturists' Relief Act, 1879, in manner hereinafter appearing; XVII of 1879.

And whereas the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained to the passing of this Act; 55 and 56 Vict., c. 49.

It is hereby enacted as follows:—

Short title. 1. This Act may be called the Dekkhan Agriculturists' Relief (Amendment) Act, 1907.

Insertion of section in Chapter III. 2. In Chapter III, before section 11, of the Dekkhan Agriculturists' Relief Act, 1879, hereinafter called the said Act, the following section shall be inserted, namely:— XVII of 1879.

"10A. Whenever it is alleged at any stage of any suit or proceeding to which an agriculturist is a party that any transaction in issue entered into by such agriculturist or the person, if any, through whom he claims was a transaction of such a nature that the rights and liabilities of the parties thereunder are triable wholly or in part

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1907, Pt. VII, p. 2; for Report of Select Committee, *see ibid*, 1907, Pt. VII p. 23, and for Proceedings in Council, *see ibid*, 1907, Pt. VII, pp. 39 and 106.

[2] Vol. I of this Code, p. 141.

[3] Collection of Statutes relating to India, Vol. II, p. 754.

under this chapter, the Court shall, notwithstanding anything contained in section 92 of the [1] Indian Evidence Act, 1872, or in any other law for the time being in force, have power to enquire into and determine the real nature of such transaction and decide such suit or proceeding in accordance with such determination and shall be at liberty, notwithstanding anything contained in any law as aforesaid, to admit evidence of any oral agreement or statement with a view to such determination and decision :

I of 1872.

provided that such agriculturist or the person, if any, through whom he claims was an agriculturist at the time of such transaction :

provided further that nothing in this section shall be deemed to apply to any suit to which a *bonâ fide* transferee for value without notice of the real nature of such transaction or his representative is a party where such transferee or representative holds under a registered deed executed more than twelve years before the institution of such suit.

Illustrations.

(*a*) A landlord sues for possession of land leased by him to an agriculturist. The defendant alleges that he mortgaged the land with possession to the lessor, who is entitled to its possession only as such mortgagee and not as owner, and asks that he may be allowed to redeem the mortgage without being ejected. The Court may admit evidence on this allegation, and, if satisfied that it is correct, may decline to eject the defendant as tenant, and allow the suit to be converted into one for redemption of the mortgaged property.

(*b*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a lease. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a lease, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.

(*c*) A money-lender sues to enforce a sale-deed entered into by an agriculturist. It is alleged that there was a contemporaneous oral agreement that the transaction should be deemed to be a mortgage. The Court may admit evidence of such oral agreement, and if satisfied of the existence of the agreement may decline to enforce the deed as a sale-deed.

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1 *See* Act 1 of 1872, as modified up to 1st September, 1906.

(*d*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a sale. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a sale, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed."

Insertion of section after section 22.

3. After section 22 of the said Act, the following section shall be inserted, namely: —

"22A. (*1*) When any immoveable property belonging to an agriculturist has been sold by public auction under the provisions of section 325 of the [1]Code of Civil Procedure, the sale may within thirty days from the date of the auction be set aside by the Collector, if he considers the price bid by the purchaser to be inadequate. XIX of 1882.

(*2*) When the sale is so set aside the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be, and the Collector may re-sell the property by public auction or private contract, as he thinks fit. Every such re-sale shall be deemed to be a sale under the provisions of section 325 of the [1]Code of Civil Procedure." XIV of 1882.

BOMBAY ACT No. III OF 1907.[2]

[*16th January, 1908.*]

An Act further to amend the Bombay Vaccination Act, 1877, the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898, and to amend the Bombay Motor-vehicles Act, 1904.

WHEREAS it is expedient that the Municipal Corporation of the City of Bombay should be relieved of all expenses on account of the police of the city of Bombay and that in place thereof the said corporation should undertake certain medical, educational and other expenses heretofore devolving upon Government: And whereas it is therefore expedient further to amend the Bombay Vaccination Act, 1877, the City of Bombay Municipal Act, 1888, and the City of Bombay Improvement Act, 1898, and to amend the Bombay Bom. I of 1877. Bom. III of 1888. Bom. IV of 1898.

1 *See* Act 14 of 1882 as modified up to 1st December, 1899.

2 For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1907, Part VII, p. 190; for Report of the Select Committee, *see ibid*, p. 420; and for Proceedings in Council, *see ibid*, pp. 396 and 445.